

## LIST OF MEN FOR JURY

## JUDGE ALFORD GAVE DEPUTY BENEDICT AN ORDER FOR NAMES.

The Defense, However, Had Already Become Familiar with the Venire

—Other Court Cases.

Deputy Prosecutor Charles Benedict was given an order by Judge Alford yesterday morning on Deputy Sheriff Craft to secure the names of the fifty special jurors drawn for the jury to try Dr. Joseph C. Alexander on Monday next. The list of names was prepared by the jury commissioners Monday and for some unaccountable reason the attorneys for the defense of Alexander were in the clerk's office and heard the names of the men as they were drawn. Prosecutor Ruckelshaus heard of this and tried to secure the list himself in order that the defense might not have an unfair advantage. He was unable to get the names from Deputy Sheriff Craft until an order for them was presented from Judge Alford.

## JURY UNABLE TO AGREE.

## Abrupt End of Russell Armstrong's Suit for \$20,000 Damages.

The suit of Russell Armstrong for damages in the sum of \$20,000 against John J. Cooper ended abruptly in Room 3 of the superior court by a disagreement of the jury. The cause was for damages for personal injuries received by Armstrong in falling on a piece of ice in the hall of a house owned by Cooper. The fall was a severe one and injuries to the right leg caused locomotor ataxia, it is averred by the plaintiff. The trial of the suit began on Nov. 12, and for two weeks testimony of witnesses, experts on locomotor ataxia and the argument of numerous attorneys in the case was heard in the courtroom. The jury was unable to agree at the end of a thirty-six hour session, and the case was discharged by Judge Carter.

## Few Cases in Juvenile Court.

Small boys were good during the past week and as a consequence Juvenile Court had a very quiet session yesterday afternoon. But seven boys appeared before Judge Stubbs. The offenses were trivial, and the judge did not resort to the usual method—corporal punishment. In the case of three boys the judge ordered that the cars the judge dismissed the cases after giving the boys a lecture. Four others stood in the dock for a short time, and then were sent to the reformatory for stealing nails from a hardware store on South Illinois street. In these cases Judge Stubbs seemed to be in a good humor, which he suspended on account of the previous good record of the boys.

## Metzler Was Not Guilty.

Adam Metzler, a saloon keeper at Pearl and Missouri streets, was found not guilty of operating a gaming device in his place by Judge Alford in the Criminal Court yesterday. Metzler was fined in the Police Court, but appealed the case, and his statement, made by several witnesses, was conclusive to the judge that the slot machine in his saloon was an old one, unworkable and had been in the saloon before his purchase of it and never destroyed.

## Woman Sues for Support.

Jennie Morrison has entered suit against her husband, John Morrison, a sawmaker, for support and names his employers, the E. C. Atkins Company, as co-defendant. Mrs. Morrison avers in her complaint that they were married on Nov. 17, and eleven days after that Morrison deserted her without making any provision for her maintenance. She prays that the court allow her the sum of \$30 for attorney's fees and \$30 each week of Morrison's earnings.

## Nannie Sedan's Trial To-Day.

Nannie Sedan, the colored woman who is accused by the police of being the "strong-arm woman" who robbed Morris Soloff of \$5 some time ago, will be tried in the Criminal Court this morning. She was arraigned yesterday and pleaded not guilty to the charges of highway robbery and grand larceny, which she was indicted by the grand jury.

## THE COURT RECORD.

## SUPERIOR COURT.

Room 1—John L. Mackay, Judge.

James A. Breeding, vs. Eliza A. Breeding. Dismissed by plaintiff and costs paid.

Room 2—James M. Leathers, Judge.

Sarah Clark vs. Indianapolis Street-railway Company; damages. Jury out.

Room 3—William Carter, Judge.

Cyrenus Wright vs. Gary S. Brewster; criminal conversion. Submitted to jury.

Russell Armstrong vs. John J. Cooper; damages. Jury disagreed and was discharged.

## CIRCUIT COURT.

Henry Clay Alford, Judge.

Claude Zaring vs. Charles E. Craig et al. Subject to court. Evidence heard. Finding for defendant on complaint and finding against cross-defendant on counterclaim. Finding against plaintiff for costs.

CRIMINAL COURT.

Fremont Alford, Judge.

James Holt; carrying concealed weapons. Defendant withdraws plea of not guilty and pleads guilty. Age, seventeen years. Sentence suspended during good behavior.

Walter Pfister; assault and battery. City Court. Defendant arraigned and found guilty. Evidence heard. Found guilty; \$10 and costs.

Nannie Sedan; robbery and grand larceny. Defendant arraigned. Pleads not guilty.

Adam Metzler; keeping gaming device. Arraigned; pleaded not guilty. Evidence heard. Found not guilty.

## HIGHER COURTS' RECORD.

## SUPREME COURT.

—Minutes.

1975. Republic Iron and Steel Company vs. State of Indiana. Delaware C. C. Appellant's petition for oral argument.

1977. Patrick Holligan vs. George W. Tanner et al. White C. C. Appellant's brief (8).

1978. Isaac D. Bosworth vs. City of Anderson. Madison C. C. Appellant's brief (8).

1979. Spring Steel Fence and Wire Company vs. City of Anderson et al. Madison C. C. Appellant's brief (8).

## APPELLATE COURT.

—Minutes.

429. Charles Johnson vs. Silas W. Hole, trustee, et al. Grant C. C. Submitted and notices issued.

430. Central Life Insurance Company vs. Enoch A. Scott et al. Floyd C. C. Appellant's brief (8).

431. Enoch A. Scott et al. vs. William J. Hayes et al. Howard C. C. Appellant's appearance, et al. Appellant's brief (8).

## RECENT LEGAL OPINIONS.

—Escape of Prisoner—Question for Jury.

A constable was convicted for allowing a prisoner to escape from his custody. The state law relating to the charge against an officer for allowing a prisoner to escape provides that it shall be sufficient, in support of the indictment, to prove that the prisoner was committed to his custody, and it shall be on defendant to show that such escape was not by his consent or negligence, but that he acted with legal means to prevent it, and acted with proper care and diligence. Held, that where the constable testified that he acted with good faith in trying to prevent it; that to prevent a lynch mob from attacking and killing the prisoner in a dark wood over night, and that an armed force there captured the prisoner, it was error for the trial court to direct a verdict of guilty, the question was one for the jury to decide.

termine. [42 Southeastern Rep. (North Carolina, Judge Furches), 569.]

## Injuries to Servant—Release.

A mine owner failed to provide ventilation in conformity with the statutory requirements. An explosion occurred by reason of such negligence and the consequent negligence of a miner who was killed. The corporation recognized its liability and in a spirit of munificence settled with the miners' family for \$125. In a suit subsequently brought by the administrator of the estate of the miner, the settlement of \$125 was so shockingly inadequate that the release would be set aside. [30 Southeastern Rep. (Tennessee, Judge Wilkes), 1.]

## Carrying Deadly Weapons—Exemption of Police Officer.

A law exempts a peace officer or a policeman from the prohibition against carrying deadly weapons. Held, that as a policeman a peace officer is within the exemption when he carries a pistol in a holster on his hip or when discharging official duties beyond it, the exemption did not protect him from the prohibition against carrying a pistol in a holster on his hip in a public place. [30 Southeastern Rep. (Tennessee, Judge Henderson), 2.]

## Assault with Intent to Rob—When Committed.

Accused entered a car where the person to be robbed was seated, told him that someone wanted to see him on the platform and caught him by the arm and pushed him to the platform, where a confederate thrust a knife into the person's pocket, after having cut the buttons from his overcoat. At the same time accused attempted to run his hand into the person's pants pocket. Others interfered and prevented further violence. Held, that the offense of assault with intent to rob was committed.

## School Trustee—Contract with Wife—Legality.

A contract made with the wife of one member of a board of school trustees, employing her to teach in the school over which the board has supervision, is contrary to public policy and void by the terms of the statute; the husband being pecuniarily interested in the contract. Payment of her salary under such a void contract may be enjoined in an action commenced by any taxpayer of the school district. [Pacific Rep. (Idaho, Judge Quarles), 40.]

## Titles.

"Certainly the courts cannot abate a man's nuisance because he gives him a title, or he gives himself a title." (Judge Clark, in State vs. McKnight, 42 Southeastern Rep. (N. C.), 52.)

## MABEE'S RECOMMENDATIONS.

## Factory Inspector Suggests Needed Improvements to Governor.

Of the 60 establishments in Indiana which employ organized labor, only ninety-one are members of a trust, State Factory Inspector Mabee states in his annual report to the Governor. These establishments employ 71,171 men. The ninety-one that are members of a trust employ 22,732 men.

M. A. Mabee made 3,539 inspections during the year and found in these inspections 178,013 employed. Of these, 151,899 were men and 26,200 women. Under the age of sixteen, there were 2,622 boys and 1,136 girls. The inspectors found it necessary to order sixty-nine fire escapes and to issue 1,894 orders on different matters. There were 850 accidents reported to the office, of which forty-nine were fatal. Eleven boilers exploded, saws hurt two people, shafting two and eleven were injured from miscellaneous causes. The accidents to those under sixteen numbered twenty-two. There were also three deaths as reported were 10,398 and wages lost were \$23,880.92. For disability \$5,463.19.

The inspector wants another man added to his force who knows the details of practical making of a machine. He needs men to make inspections of bakeries alone. Other recommendations made are, that the fire escape law be amended to include lodging houses and hotels three stories high; that engineers in charge of boilers be licensed; that a law be enacted for the inspection of boilers every six months be enacted; that an order be obtained from the health officer before a person is allowed to be taken from an infected tenement house; that the State specify dangerous occupations and the persons who are to work in tobacco or match factories, and limiting the number of hours women may work; that the law be amended to require that the Central Insane Hospital may be made safer against fire by a provision for fire escapes, and that as inside bars wherever inmates are locked in their rooms; that the fire walls of the building be made of brick and that fireproof doors close passages through this wall, and that the building be made of brick in the south building, which are unsafe, be replaced with new; that the provision in the building code for fire escapes be amended to apply to all city and county institutions as a safeguard against burning inmates to death.

## THE INDIANA-SONORA MINES.

## The Mexican Government Has Taken a Hand in Proceedings There.

A telegram from Nogales, Ariz., received in this city yesterday, announces that by direction of the Mexican government the action of the local courts of Sonora, Mexico, in placing the mines of the Indiana-Sonora Copper and Mining Company under temporary control of Bracey Curtis, at the instance of L. Lindsay and others, has been set aside. Curtis was deposed as an inventor and the grounds for his removal to proceed to trial for the alleged control of another party, who is supposed to be impartial and named by one of the judges of the Supreme Court of Hermosillo, who went to the mines by direction of the Mexican national authorities to make an investigation of the entire matter, and remedy the wrong perpetrated by Lindsay and his associates.

These mines are the property of a number of Indianapolis men and one or two others. Lindsay was interested with them in the properties and quite recently sought out the owners and proposed to the owners to make certain concessions to him, which they claimed to be inequitable and outrageous. The owners then applied to the courts of the province Lindsay took forcible possession of the mines. The owners then applied to the courts of the United States, and yesterday's action is the first result of the proceedings instituted by them.

## "THE GOOD SAMARITAN."

## Paper Is Published in Interests of Proposed Methodist Hospital.

The Good Samaritan, a quarterly paper published in the interests of the Methodist Episcopal Hospital and Deaconess Home, is being issued from the offices of the paper, 125 West Market street. The first issue bears date of Nov. 1, and is a 64-page volume. The board of directors of the proposed Methodist hospital. The paper is to be devoted to reporting the progress in raising funds for the hospital, to be built at Capitol avenue and Sixteenth streets by the Methodists of Indiana.

The first number the object of the hospital is set out and the success attained thus far described. The plan of raising money by district meetings is outlined and a programme of the speakers to work in the Kokomo district is given. The programme includes speeches and sermons by a number of ministers and citizens of this city, who will occupy the pulpits of Methodist churches in that district. Notes and news of hospitals in general are printed in the number and the names of citizens of Indiana who have subscribed to the fund more than \$50. The churches which have subscribed \$100 or more of their members to the hospital fund are enumerated. The publication will be issued monthly and the yearly subscription price is 25 cents.

## Requisition Issued.

Governor Durbin has issued a requisition upon Governor Yates, of Illinois, for the return of James Hill, who is wanted in Decatur county for aiding and abetting in larceny. Hill is under arrest in Chicago.

## THE IRON BRIGADE

## A STORY OF THE ARMY OF THE POTOMAC

## CHAPTER XXI.

## BEARING THE LION IN HIS DEN.

Over the useless slaughter of the field of Fredericksburg it was best to draw the veil. Far down at the left flank the old brigade groped its way through dripping fog and lay in line of battle, having little to do but wait orders, and catching only occasional shots from the Southern guns along the heights. Old hands under fire, the veterans—officers and men—lay close and kept still. Their rifles could effect nothing against the enemy's wall of lead and behind intrenchments. New hands, not yet used to battle, were not so quiet, and the gallant colonel of the great battalion of Wolverines, big almost as the rest of the brigade, thought it necessary to ride up and down his line, exhorting his men to steadiness in loud and powerful voice. It was "I know I'm here," said he, to the exhorting commander of the next-door regiment. "I see," said the latter, as a volley flashed down from Early's fellows along the crest, "and it also tells the enemy. Your men will be steadier without the telling," which reasoning the colonel pondered over and accepted. He and his thoroughbred were spilling for a chance to show their neighbors the difference between the two regiments. "Give us half a chance," said he, "and then you look out for the Wolverines."

But neither Fredericksburg, nor Chancellorsville, nor Virginia, nor even Maryland afforded the longed-for opportunity. Not until the desperate clinch far up on Pennsylvania hill, until the morning of the first day at Gettysburg, did the time come, but when it came it proved a test the like of which had never been met before, even in that hard-fighting, hard-hammered command.

Meanwhile, what had not befallen other actors in our story—notably the Damon and Pythias of the ante-bellum days, Benton and Paul Ladue.

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among the rebels as he has on our side of the line," had the division commander remarked of Benton, though in a moment of exaggerated bluntness, the day after the retreat from the Southern shore. Everybody was in evil temper at the time. The repeated assaults on that intrenched and commanding line had cost fearfully.

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been beaten, but they can get to us by noon, can't you?"

"Not if he goes back by way of Old Stoneman's place," said the colonel, "but fully."

"Fred, don't you imagine the chief wants to smooth things a bit before you tell Stanton all about it?"

"Don't go back, Benton. Just let him sweat. It'll make him more civil another day."

"He's a good fellow, but he's a little stopped short at the sight of the cloud in Benton's eyes, the anxious look in the colonel's face, and the sternness of the chief."

"The chief spoke again, and without interruption, for already he had won the faith of the Wolverines, and the chief spoke again, and without interruption, for already he had won the faith of the Wolverines, and the chief spoke again, and without interruption, for already he had won the faith of the Wolverines."

"Fred had already risen. 'I shouldn't be so sure of the chief's words,' he thought, 'trollably of the words of his Washington informant. 'God help the man that has to say a word of criticism to the chief.'"

Yet he rode back to headquarters, and, surely enough, found his chief there, waiting for him. "Where have you been, Scott? You've been late."

"I've been to the chief's quarters, sir," said Benton firmly, though his anger had been softened by the chief's friendly greeting.

"I did not get lost, however. I obeyed orders, and under similar circumstances I should have done the same."

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## ...By...

## GENERAL CHARLES KING.

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## CHAPTER XXI.

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there had been a break from prison camp; that, aided by residents of Baltimore and of Charles county, some Confederate officers had escaped to the Potomac; and, while some of the party had sailed in the crossing, one boat had been fired on and swamped. Two of the officers had been captured, one being poor Paul, who had been nearly drowned, and was found in a fisherman's hut not far from Mathias Point. Two of the party were still large. Arrests of suspected civilians had been made, both in Washington and Baltimore, and certain secret service officials had been summarily discharged by order of the secretary as being unworthy to hold positions of such trust and responsibility.

"Stanton is a terror," said Fred's informant, a staff officer just from Washington. "He insisted on shutting out McClellan, just as Little Mac was getting a good hold and learning how to fight. He insisted on putting in Burnside, who loved McClellan and didn't want the command—didn't think himself fit for it. He insisted on Burnside fighting and Burnside bumped us up against a stone wall where we butted our brains out, and things have gone crooked every which way. God help the man that has to bump up against Stanton just now."

This was the Wednesday following the furious storm of that Monday night of mid-December, under cover of which the honest, joyous, almost broken-hearted soldier had withdrawn his silent army across the stream, with twelve thousand of its number sacrificed to the insane demand to fight and satisfy the people that the Army of the Potomac could fight. It was now some thirty-six hours after Stanton's arrival, and the division commander, who had been further contact with these things he almost loathed. He looked for sneaking within the week and taking advantage of the permission, coldly accorded him by the chief of staff, to be absent over night, and he had been told by his old friends of the Iron Brigade, and sought at their hands the sympathy and aid which he was entitled to as a man who had himself felt that the official atmosphere was frigid where once it had been so fair, and it was here, on Thursday morning, while breakfasting with the general commander of the Black Hats and listening to his philosophy of the war, that he was addressed by the adjutant general of the division and marked "immediate attention" to a letter from Stanton.

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